# EXHIBIT 2

08/219,200

Petition under 37 C.F.R. §1.47(a)

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United Seaton Patent and Tendonark Office
Address COMMERCINER OF PATRICTS AND TRADEMARKS
Wishington, D.C. 20131

HEN B. DAVIS

RISTOL-MYERS SQUIBB COMPANY

PATENT DEPARTMENT

P O BOX 4000

PRINCETON, NJ 08543-4000

GAMBEL, PHILLIP

EXAMINER

Docketed Item

Due Date Attorney

1644 11/13/02

CLASS-SUBCLASS 424-134100

DATE MAILED: 08/13/2002

ART UNIT

APPLICATION NO. 08/219,200

FILING DATE 03/29/1994

PIRST NAMED INVENTOR PETER S. LINSLEY

ATTORNEY DOCKET NO. 30436.11US01

CONFIRMATION NO 2104

TITLE OF INVENTION: LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

ON 00650

ane 11/13/02

CNT1

APPLN. TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL HEE(S) DUE DATE DUE nonprovisional NO \$1280 \$1280 11/13/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY starus:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1 27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE

Commissioner for Patents Washington, D.C. 20231

(703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUB FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. maintenance fee nonfications.

CURRENT CURRESPONDENCE ADDRESS INcid Logibly military with any concedure or use Block 1)

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08/13/2002

STEPHEN B. DAVIS BRISTOL-MYERS SQUIBB COMPANY PATENT DEPARTMENT P O BOX 4000 PRINCETON, NJ 08543-4000

Note: A certificate of inailing can only be used for domestic mailings of the Pec(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission

Certificate of Mailing or Transmission I hereby certify that this Fee(b) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name) (Signature) (Ohto

		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO	FILING DATE	PETER S. LINSLEY	30436 I I USOI	2104
08/219.200	03/29/1994	PETER S. CINSEET		

TITLE OF INVENTION: LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

				The second second	DATE DUE
	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	
APPLN. TYPE			\$0	\$1280	11/13/2002
nonprovisional	NO	\$1280	••		
EXAMIN	IPR T	ART UNIT	CLASS-SUBCLASS		
GAMBEL, I	<u> </u>	1644	424-134100		
FR 1.363).	co address or indication of nec address (or Change of 12) attached.	f Correspondence	2. For printing on the patent from the names of up to 3 registered or agents OR, alternatively, (2) single firm (having as a mem attorney or agent) and the nategistered patent attorneys or agent.	patent attorneys the name of a ber a registered nes of up to 2	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignod is identified below, no assignee data will appear on the patent Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment. (B) RESIDENCE: (CITY und STATE OR COUNTRY) (A) NAME OF ASSIGNED

Plense chock the appropriate assignee category or calegori In. The following fec(s) are onclosed:	4b. Payment of ree(s).
	U. A check in the amount of the fee(s) is enclosed.
O Issue Fee	Payment by credit card. Form PTO-2038 is attached
O Publication Fcc	The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to  Denosit Account Number (enclose an extra copy of this form).
Advance Order - # of Copies	Deposit Account Number(enclose an exits copy of this formy.  Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Date) (Audiorized Signature)

NOTE: The Issue Fac and Publication Fco (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignce or other party in interest as shown by the records of the United States Patent and Trademark Office.

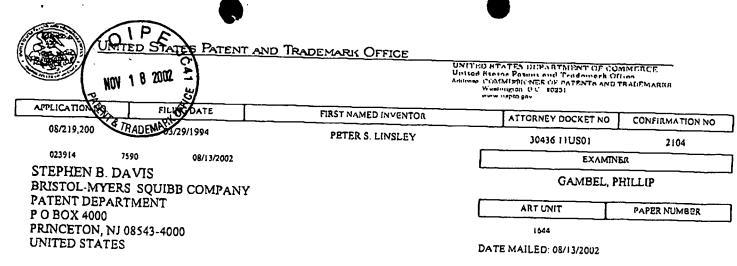
This collection of information is required by 37 CPR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments in the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer U.S. Phaent and Trudemark Office, U.S. Department of Commerce, Washinston, D.C. 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO. Commissioner for Patents. Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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APPLICATION NO.	FILINO DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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P O BOX 4000 PRINCETON, NJ08		AUG 1 9 2002	1644	PAPER NUMBER

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b) (application filed prior to June 8, 1995)

This patent application was filed prior to June 8, 1995, thus no Patent Term Extension or Adjustment applies.



# Notice of Fee Increase on October 1, 2002

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2002, then the amount due may be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2002. See Revision of Patent and Trademark Fees for Fiscal Year 2003: Notice of Proposed Rulemaking, 67 Fed. Reg 30634, 30636 (May 7, 2002). Although a change to the amount of the publication fee is not currently proposed for October 2002, if the issue fee or publication fee is to be paid on or after October 1, 2002, applicant should check the USPTO web site for the current fees before submitting the payment. The USPTO Internet address for the fee schedule is: <a href="http://www.uspto.gov/main/howtofees.htm">http://www.uspto.gov/main/howtofees.htm</a>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after October 1, 2002 (or mailed with a certificate of mailing on or after October 1, 2002), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2002, 37 CFR 1.18 is proposed to be revised to change the patent issue fees as set forth below. As stated above, the final fees may be a different amount, and applicant should check the web site given above when paying the fee.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))--\$655.00 By other than a small entity--\$1,310.00

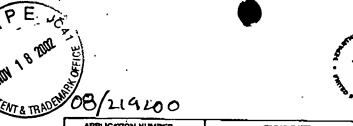
(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))--\$235.00 By other than a small entity--\$470.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))--\$315.00 By other than a small entity--\$630.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





# UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Westington, D.C. 20231

DATE MAILED:

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

ARTURIT PAPER NUMBER

This is a communication from the examiner in charge of this application. COMMISSIONER OF PATENTS AND TRADEMARKS

## **NOTICE OF ALLOWABILITY**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOS	ED in this application. If not included herewith (or
previously mailed), a Notice of Allowance and Issue Fee Dué or other appropriate cor	mmunication will be mailed in due course. THIS
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application	Is subject to withdrawal from Issue at the
Initiative of the Office or upon petition by the applicant, See 37 CFR 1.313 and MPER	P 1308.
This communication is responsive to PAPEL NO- 59/DECIS	HON ON APPEAL
The allowed claim(s) is/are 79-94, IZE NUMBERED 1-	1.6
The drawings filted on are acceptable as formal of	drawings.
Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)	√d) or (η,
All Some* None of the:	
Certified copies of the priority documents have been received.	
Certified copies of the priority documents have been received in Application to	No
Copies of the certified copies of the priority documents have been received in international Bureau (PCT Rule 17.2(a)).	n this national stage application from the
*Certified copies not received:	-
Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119	P(e).
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to	to file a mady complaint with metaltaments noted
below. Failure to timely comply will result in ABANDONMENT of this application. THIS	
FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECL	
with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extended	
_/	
Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLI the oath or declaration is deficient, A SUBSTITUTE OATH OR DECLARATION IS F	REQUIRED, SEE 7. VIEWS
Applicant MUST submit NEW FORMAL DRAWINGS	APPLICANT IS INFOUNDED TO CHANGE
because the originally filed drawings were declared by applicant to be informal.	CHANGES Q
including changes required by the Notice of Draftperson's Patent Drawing Review	v. PTO-948, attached hereto or to Paper No
including changes required by the proposed drawing correction filed on	we attackment, which has been approved
including changes required by the attached Examiner's Amendment/Comment or	in the Office action of Paper No
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should it	be written on the drawings.
Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEP	POSIT OF BIOLOGICAL MATERIAL

 Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant-has received a Notice of Allowance included.
Attachment(s)
☐ Notice of References Cited, PTO-892
Information Disclosure Statement(s), PTO-1449, Paper No(s).
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
Notice of Informal Patent Application, PTO-152
☐ Interview Summary, PTO-413
Examiner's Amendment/Comment
Examiner's Comment Regarding Requirement for the Deposit of Biological Material
Examiner's Statement of Reasons for Allowance.
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PTOL-37 (Rev. 11/00)

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#### UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER

12. □ Other:

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

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DATE MAILED:

## NOTICE OF INFORMAL APPLICATION

(Attachment to Office Action)

This application does not conform with the vules governing

checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.
A. A new oath or declaration, identifying this application by the serial number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
1. D was not executed in accordance with either 37 CFR 1.66 or 1.68.
2.   does not identify the city and state or foreign country of residence of each inventor.
3. D does not identify the citizenship of each inventor.
<ol> <li>does not state whether the inventor is a sole or joint inventor.</li> </ol>
5. D does not state that the person making the oath or declaration:
a.   has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
b.  believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
c.  acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).
6.  does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
8.  does not include the date of execution.
9. ☐ does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a) for the: ☐ signature ☐ oath/declaration.
10.   contains non-initialed alterations (See 37 CFR 1.52(c) and 1.56).
11.  does not contain the clause regarding "willful false statements" as required by 37 CFR 1.68.

	A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 CFR 1.41(a).
2. 🗀	Proof of authority of the legal representative under 37 CFR 1.44.
3. 🗆	An abstract in compliance with 37 CFR 1.72(b).
4. 🗆	A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5. 🗆	A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 CFR 1.52(a).
6. 🌠	Other: NEW ONTH DECLARATION
	159 (PEV. 4-87)

11:12AM Serial No. 08/219200 Art Unit 1644

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#### **DETAILED ACTION**

- 1. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1644. Technology Center 1600.
- 2. Claims 79-94 are pending.

Claims 1-78, 95 and 96 have been canceled previously.

#### **EXAMINER'S AMENDMENT**

- 3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.
- 4. The examiner has corrected the obvious errors and omissions. See MPEP 1302.04.

The phrase "in Rockville, Maryland" on page 13, lines 9-10 in the specification has been replaced with: - , 10801 University Boulevard, Manassas, VA 20110-2209 - .

The phrase "in Rockville, Maryland" on page 13, line 21 in the specification has been replaced with: – , 10801 University Boulevard, Manassas, VA 20110-2209 -- .

#### **REASONS FOR ALLOWANCE**

5. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of the Decision on Appeal (Paper No. 59), the pending claims are deemed allowable.

It is noted that the Board of Appeals has interpreted the term "B7" consistent with the prosecution history and specification pages 6 and 11 as that described in Freeman, 1989, which is now referred to in the art as B7-1 (see page 17 of the Decision on Appeal, Paper No. 59). Therefore, the amino acid residues recited in claims 80 and 86 refer to the Freeman et al. (J. Immunol, 143; 2714-2722, 1989, disclosed on page 6, paragraph 1 of the instant specification.

Serial No. 08/219200 Art Unit 1644

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#### **EXAMINER'S COMMENTS**

6. Formal drawings have been submitted which fail to comply with 37 CFR 1.84. Please see the form PTO-948 previously sent in Paper No. 9.

Applicant is required to change the Brief Description of the Drawings in accordance with these changes (see 7. Views).

7. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration in continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all infromation known to the person to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

- 8. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Phillip Gambel, Ph.D.
Primary Examiner
Technology Center 1600
August 5, 2002